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September 4, 2019

By ECF

Hon. Gary R. Brown
United States Magistrate Judge
United States District Court
for the Eastern District of New York
Alfonse M. D'Amato Federal Building
100 Federal Plaza
Central Islip, NY 11722

Re: Joseph Jackson v. Nassau County et al., Docket No. 18-cv-3007 (JS) (GRB)
Our File No.: 12473.00014

Dear Judge Brown:

Wilson Elser represents defendants Nassau County, as well as one present and twelve former County police officers in their official and individual capacities (the "County Defendants"). We are writing to clarify a statement made on the record when we were before your Honor for a discovery conference on July 22, 2019.

During the conference, Your Honor asked whether the County Defendants had obtained an order sufficient to obtain the release of grand jury minutes from plaintiff's underlying criminal trial. We indicated that we had obtained the necessary authorization and order to unseal the grand jury minutes.

In fact: (i) based on a release provided by plaintiff pursuant to Section 160.50 of the N.Y.C.P.L., we obtained a court order unsealing plaintiff's criminal file; (ii) we provided a copy of that order to plaintiff's counsel by email dated July 2, 2019; and (iii) we were under the impression that the order was sufficient for the release of grand jury minutes. However, it has come to our attention that the order is not sufficient, and that in order to secure the release of the grand jury minutes a separate motion will have to be made for an order issued pursuant to CPL § 190.25(4)(a).

The County Defendants intend to file that motion in County Court, and in that regard have requested that plaintiff's provide us an authorization or other document indicating plaintiff's consent to the motion.

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Respectfully submitted,

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